

EXHIBIT C

EXHIBIT C

CIVIL COVER SHEET

A - 13 - 678512 - C

XX

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): STACEY ACKERMANN

v.

Defendant(s) (name/address/phone): APOSSEADESSE III, LLC,
LIMMIE YOUNG

Attorney (name/address/phone):

Bradley S. Mainor, Esq. / Joseph J. Wirth, Esq.

1215 S. Ft. Apache Rd., Ste. 120

Las Vegas, Nevada 89117

(702) 464-5000

Attorney (name/address/phone):

N/A

N/A

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input checked="" type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

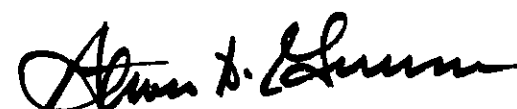
- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

3-18-13

Date

Signature of initiating party or representative

Electronically Filed
03/18/2013 02:58:28 PM



CLERK OF THE COURT

COMP
BRADLEY S. MAINOR, ESQ.
Nevada Bar No. 7434
JOSEPH J. WIRTH, ESQ.
Nevada Bar No. 10280
MAINOR WIRTH, LLP
1215 S. Fort Apache, Ste. 120
Las Vegas, Nevada 89117
(702) 464-5000
(702) 463-4440 Facsimile
bmainor@mainorwirth.com
jwirth@mainorwirth.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

STACEY ACKERMANN, Individually,
Plaintiff,
vs.
APOSSEADESSE III, LLC, a Nevada
Limited Liability Company, d/b/a MASSAGE
ENVY SPA, LIMMIE YOUNG, III,
individually, DOES II-X inclusive, and
ROES I-X, inclusive;
Defendants.

CASE NO.: A - 13 - 678512 - C
DEPT. NO.: XX

COMPLAINT

COMES NOW Plaintiff, STACEY ACKERMANN, by and through her attorneys,
BRADLEY S. MAINOR, ESQ. and JOSEPH J. WIRTH, ESQ. of the law firm of MAINOR
WIRTH and for her claims for relief against Defendants alleges as follows:

I.

PARTIES AND JURISDICTION

1. Plaintiff, STACEY ACKERMANN, is, and at all relevant times herein was, a
resident of Clark County, State of Nevada.

1 2. Plaintiff is informed and believes, and thereupon alleges, that Defendant,
2 APOSSEADESSE III, LLC, is and at all relevant times herein was, a Nevada limited liability
3 company duly licensed under the laws of the State of Nevada, and doing business in Clark
4 County, State of Nevada.

5 3. Plaintiff is informed and believes, and thereupon alleges, that Defendant,
6 LIMMIE YOUNG, III is, and at all relevant times herein was, a resident of Clark County, State
7 of Nevada.

8 4. That all the facts and circumstances that give rise to the subject lawsuit occurred
9 in Clark County, State of Nevada.

10 5. The identities of the Defendants, DOES I through X, are unknown at this time and
11 may be individuals, partnerships or corporations. Plaintiff alleges that each of the Defendants
12 designated herein as DOE DEFENDANTS are responsible in some manner for the damages
13 herein alleged. Plaintiff will request leave of the Court to amend this Complaint to name the
14 Defendants specifically when their identities become known.

15 6. The names and capacities, whether individual, corporate, associates, co-partnership,
16 or any other business form or entity of defendants named herein as ROE CORPORATIONS I
17 through X, inclusive, are unknown at this time and therefore said defendants are sued by such
18 fictitious names. The roles of these defendants may include, but is not necessarily limited to, (i)
19 owning and/or operating any boxing and/or fitness equipment that caused or contributed to the
20 losses, injuries, and damages alleged herein, (ii) employees, agents, servants, and/or joint ventures
21 of the defendants named herein responsible in some manner for the losses, injuries, and damages
22 alleged herein, (ii) managers with some control over and responsibility for the premises upon
23 which the losses, injuries, and damages alleged herein occurred, (iii) business entities controlled by
24 and/or associated with the defendants named herein, including but not limited to parent
25 corporations, wholly owned subsidiaries, and/or alter egos, (iv) persons and/or business entities
26
27
28

1 who bear some responsibility for the policies and procedures that caused or contributed to the
 2 losses, injuries, and damages alleged herein, (v) active tortfeasors individually responsible in some
 3 manner for the losses, injuries, and damages alleged herein, (vi) passive tortfeasors individually
 4 responsible in some manner for the losses, injuries, and damages alleged herein, (vii) employers,
 5 principles, masters, and/or joint ventures of the defendants named herein responsible in some
 6 manner for the losses, injuries, and damages alleged herein, and (viii) individuals and/or business
 7 entities involved in the design, assembly, manufacture, advertisement, marketing, sale,
 8 distribution, packaging, and/or installation of product(s) and/or component(s) that caused or
 9 contributed to the losses, injuries, and damages alleged herein. Based upon information and belief,
 10 the defendants so designated herein as ROE CORPORATIONS I through X, inclusive, are
 11 responsible in some manner for their agency, master/servant or joint venture relationship with the
 12 defendants named herein, or otherwise contributed to, as a proximate cause, the events complained
 13 of herein. Leave of this Court will be requested to amend this complaint to name the defendants
 14 specifically when their identities become known.
 15

16 7. Plaintiff is informed and believes and thereupon alleges that at all relevant times,
 17 each of the Defendants, including such fictitiously named Defendants, were the agents and
 18 employees of each of the remaining Defendants and were at all times mentioned, acting within
 19 the course and scope of that agency and employment. Each of the Defendants authorized and
 20 ratified the acts of the remaining Defendants.
 21

22 II.

23 FIRST CAUSE OF ACTION 24 *Negligence*

25 8. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 7
 26 above as if fully set forth herein.

27 9. At all times herein relevant, Defendants APOSSEADESSE III, LLC, d/b/a
 28

1 MASSAGE ENVY SPA and/or DOES I through X, were the owners and/or operators of a
2 certain massage spa wherein the incident herein below occurred.

3 10. On or about May 21, 2011, Plaintiff STACEY ACKERMANN (hereinafter
4 "STACEY") was a business invitee at Defendant APOSSEADESSE III, LLC's establishment
5 located at 5643 Centennial Center Blvd., Ste. 135, in Las Vegas, Nevada.
6

7 11. On that date, while undergoing a massage, Defendant LIMMIE YOUNG III,
8 proceeded to initiate unwanted, harmful and offensive sexual contact against Plaintiff.
9

10 12. On information and belief, Plaintiff alleges that Defendants, including DOES I
11 through X, were the owners, employers, family members and operators of said massage spa,
12 while in the course and scope of employment and/or family purpose, which was entrusted in
13 such a negligent and careless manner so as to injure Plaintiff STACEY's person.
14

15 13. As a direct and proximate result of the negligence of Defendants, and each of
16 them, Plaintiff was seriously injured and caused to suffer great pain of body and mind, all or
17 some of which may be permanent and disabling in nature, aggravating to her general and
18 compensatory damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).
19

20 14. As a further direct and proximate result of the negligence of Defendants, and each
21 of them, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto,
22 and Plaintiff may be required in the future to incur expenses for medical care and treatment.

23 15. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
24 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.
25

26 III.

27 **SECOND CAUSE OF ACTION** 28 ***(Negligence Per Se)***

16. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 15

1 above as if fully set forth herein.

2 17. At all times mentioned herein, there were in force statutes, ordinances, and
3 regulations prohibiting the conduct exhibited by Defendants, and each of them.
4

5 18. That Plaintiff is a member of the class of persons for whose protection said
6 statutes, ordinances, and regulations were enacted or promulgated.

7 19. That the injuries suffered by Plaintiff were the type of injuries which said
8 statutes, ordinances, and regulations were intended to prevent.
9

10 20. As a direct and proximate result of the negligence of Defendants, and each of
11 them, Plaintiff was seriously injured and caused to suffer great pain of body and mind, all or
12 some of which may be permanent and disabling in nature, aggravating to her general and
13 compensatory damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).
14

15 21. As a further direct and proximate result of the negligence of Defendants, and each
16 of them, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto,
17 and Plaintiff may be required in the future to incur expenses for medical care and treatment.

18 22. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
19 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.
20

21 IV.

22 **THIRD CAUSE OF ACTION** 23 *(Intentional Infliction of Emotional Distress)*

24 23. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 22
25 above as if fully set forth herein.

26 24. Defendant, LIMMIE YOUNG, III, by unlawfully initiating unwanted, harmful
27 and offensive sexual contact against Plaintiff, intentionally subjected Plaintiff to severe
28 emotional distress.

27. As a further direct and proximate result of the negligence of Defendant, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto, and Plaintiff may be required in the future to incur expenses for medical care and treatment.

V.

29. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 28 above as if fully set forth herein.

25 31. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
26 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.

1 VI.

2 **FIFTH CAUSE OF ACTION**
 3 ***(Negligent Hiring, Training and Supervision)***

4 32. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 31
 5 above as if fully set forth herein.

6 33. Defendant APOSSEADESSE III, LLC, d/b/a MASSAGE ENVY SPA, and/or
 7 Doe Defendants, had a duty to exercise due care in the selection, training, supervision, oversight,
 8 direction, retention and control of its employees and/or agents, retained by it to perform and
 9 provide services.
 10

11 34. Defendant APOSSEADESSE III, LLC, d/b/a MASSAGE ENVY SPA, and/or
 12 Doe Defendants, owed a duty to Plaintiff to hire responsible employees with proper moral
 13 character and background to perform their work responsibly without invading the rights of
 14 Plaintiff, as Defendant LIMMIE YOUNG, III did when he initiated unwanted, harmful and
 15 offensive sexual contact against Plaintiff.
 16

17 35. Defendants breached the above-referenced duty when they negligently, carelessly,
 18 and recklessly hired, trained, supervised, oversaw, directed and/or retained Defendant LIMMIE
 19 YOUNG, III.
 20

21 36. Defendants further breached the above-referenced duty when they continued to
 22 retain Defendant LIMMIE YOUNG, III, when they knew, or should have known, of a previous
 23 complaint of a similar nature lodged against Defendant YOUNG, prior to the instant action
 24 against Plaintiff STACEY ACKERMANN.
 25

26 37. As a direct and proximate result of the negligence of Defendants, and each of
 27 them, Plaintiff was seriously injured and caused to suffer great pain of body and mind, all or
 28 some of which may be permanent and disabling in nature, aggravating to her general and

1 compensatory damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

2 38. As a further direct and proximate result of the negligence of Defendants, and each
3 of them, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto,
4 and Plaintiff may be required in the future to incur expenses for medical care and treatment.

5 39. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
6 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.

7 VI.

8 SIXTH CAUSE OF ACTION 9 *(Punitive Damages)*

10 40. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 39
11 above as if fully set forth herein.

12 41. The acts and gross conduct of Defendant LIMMIE YOUNG, III and Defendant ,
13 APOSSEADESSE III, LLC, d/b/a MASSAGE ENVY SPA, as herein alleged, were intended to
14 cause harm and injury to Plaintiff, as Defendant engaged in despicable and egregious conduct
15 with a willful and conscious disregard of the rights of Plaintiff. The acts and conduct of
16 Defendants subjected Plaintiff to cruel and unjust conduct in conscious disregard of Plaintiff's
17 rights, thereby entitling Plaintiff to an award of punitive damages in excess of Ten Thousand
18 Dollars (\$10,000.00).

19 42. As a direct and proximate causes of the gross negligence and conduct of
20 Defendant's unwanted, harmful and offensive sexual contact upon her person, Plaintiff was
21 seriously injured and caused to suffer intense physical and mental pain, shock and agony, some
22 of which may be permanent and disabling in nature, aggravating to her general and
23 compensatory damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

24 43. As a further direct and proximate result of the negligence of Defendants, and each

1 of them, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto,
 2 and Plaintiff may be required in the future to incur expenses for medical care and treatment.

3 44. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
 4 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.
 5

6 VII.

7 SEVENTH CAUSE OF ACTION 8 *(Res Ipsa Loquitor)*

9 45. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 44
 10 above as if fully set forth herein.

11 46. The events herein described do not normally occur absent negligent conduct. As
 12 a direct and proximate result of Defendant's negligence, Plaintiff was exposed to the gross
 13 conduct of their employee, Defendant LIMMIE YOUNG, a sexual predator, who performed
 14 unwanted, harmful and offensive sexual contact upon her person.
 15

16 47. At the time of the occurrence, Plaintiff was a paying patron of Defendant
 17 MASSAGE ENVY SPA, and Defendant, LIMMIE YOUNG, was under the control and
 18 supervision of his employer, Defendant MASSAGE ENVY SPA, who had exclusive control over
 19 the safety and welfare of their patrons, such as the Plaintiff.
 20

21 48. Pursuant to the doctrine of Res Ipsa Loquitor and the clear negligence of
 22 Defendants, and each of them, Plaintiff STACEY ACKERMANN, was seriously injured and
 23 caused to suffer intense mental pain, shock, and agony, some of which may be permanent and
 24 disabling in nature, aggravating to her general and compensatory damages in an amount in
 25 excess of Ten Thousand Dollars (\$10,000.00).
 26

27 49. As a further direct and proximate result of the negligence of Defendants, and each
 28 of them, Plaintiff incurred expenses for medical care, treatment and expenses incidental thereto,

1 and Plaintiff may be required in the future to incur expenses for medical care and treatment.

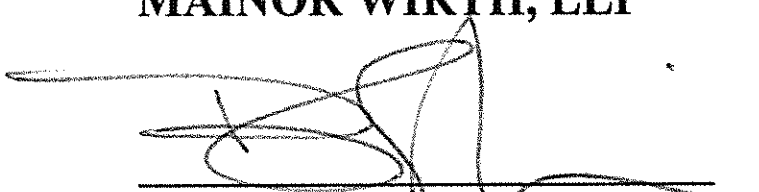
2 50. That Plaintiff has been required to retain the services of MAINOR WIRTH, LLP
3 to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.
4

5 WHEREFORE, Plaintiff prays judgment of this Court as follows:

- 6 1. General and compensatory damages in an amount in excess of \$10,000.00;
- 7 2. For special damages in excess of \$10,000.00;
- 8 3. Medical and incidental expenses incurred and to be incurred;
- 9 4. For punitive damages in an amount to be determined at trial;
- 10 5. Costs of suit, reasonable attorney fees, interest incurred herein; and
- 11 6. For other and further relief as is just and proper.

12 DATED this 18 day of March, 2013.

13
14 **MAINOR WIRTH, LLP**

15
16 
17 BRADLEY S. MAINOR, ESQ.
18 Nevada Bar No. 7434
19 JOSEPH J. WIRTH, ESQ.
20 Nevada Bar No. 10280
21 1215 S. Fort Apache Rd. Ste.120
22 Las Vegas, Nevada 89117
23 (702) 464-5000
24 (702) 463-4440 Facsimile
25 Attorneys for Plaintiff
26
27
28

IAFD

BRADLEY S. MAINOR, ESQ.

Nevada Bar No. 7434

JOSEPH J. WIRTH, ESQ.

Nevada Bar No. 10280

MAINOR WIRTH, LLP

1215 S. Fort Apache, Ste. 120

Las Vegas, Nevada 89117

(702) 464-5000

(702) 463-4440 Facsimile

bmainor@mainorwirth.comjwirth@mainorwirth.com

Attorneys for Plaintiff

DISTRICT COURT**CLARK COUNTY, NEVADA**

STACEY ACKERMANN, Individually,

Plaintiff,

vs.

APOSSEADESSE III, LLC, a Nevada
Limited Liability Company, d/b/a MASSAGE)ENVY SPA, LIMMIE YOUNG, III,
individually, DOES II-X inclusive, and
ROES I-X, inclusive;

Defendants.

CASE NO.: A - 1 3 - 6 7 8 5 1 2 - C

DEPT. NO.: X X

INITIAL APPEARANCE FEE DISCLOSURE
(NRS CHAPTER 19)

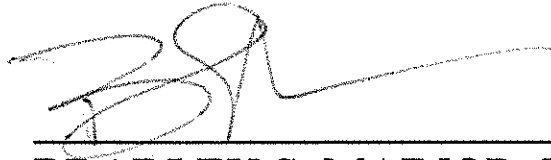
Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

STACEY ACKERMANN	\$270.00
------------------	----------

TOTAL REMITTED:	\$270.00
-----------------	----------

1 DATED this 18 day of March, 2012.

2 **MAINOR WIRTH, LLP**

3
4 

5 BRADLEY S. MAINOR, ESQ.

6 Nevada Bar No. 7434

7 JOSEPH J. WIRTH, ESQ.

8 Nevada Bar No. 10280

9 1215 S. Fort Apache Rd. Ste.120

10 Las Vegas, Nevada 89117

11 (702) 464-5000

12 (702) 463-4440 Facsimile

13 Attorneys for Plaintiff